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*Attorneys for Defendants First American Title Insurance Company and Kirsten Parkin*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

ROSA DiTUCCI, an individual; STEVEN R. LaROZA, an individual; DEBRA A. LaROZA, an individual; BRUCE I. ROSE, an individual; MAUREEN A. ROSE, an individual; SANFORD ROBERTS, an individual; HELAINE B. ROBERTS, an individual; RUSSELL E. HERTRICH, an individual; FRED JACOB, an individual; EDWARD A. HENNESSEY, an individual; RUSSELL E. HERTRICH REVOCABLE TRUST; SANFORD ROBERTS REVOCABLE TRUST; HELAINE B. ROBERTS REVOCABLE TRUST; THE FRED JACOB LIVING TRUST; EDWARD A. HENNESSEY 2001 REVOCABLE LIVING TRUST; CAMAC, INC., a Kansas corporation; and BLUSH PROPERTY, LLC., a Florida limited liability company,

*Plaintiffs,*

vs.

CHRISTOPHER J. ASHBY, an individual;  
JOHN D. HAMRICK, an individual;  
JORDAN S. NELSON, an individual;  
SCOTT W. BEYNON, an individual;

**DECLARATION OF KIRSTEN PARKIN  
IN SUPPORT OF DEFENDANTS'  
MOTION TO COMPEL ARBITRATION**

Case No. 2:19-cv-00277  
The Honorable Tena Campbell

ORAL ARGUMENT REQUESTED

WILLIAM BOWSER, an individual; SCOTT RUTHERFORD, an individual; ROCKWELL DEBT FREE PROPERTIES, INC., a Utah Corporation; ROCKWELL TIC, INC., a Utah Corporation; NOAH CORPORATION, a Utah corporation; EDMUND AND WHEELER, a New Hampshire corporation; ROCKWELL INDIANAPOLIS, LLC, a Utah limited liability company; GABRIEL MANAGEMENT CORPORATION, a Utah corporation; KIRSTEN PARKIN, an individual; FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation; JOHN DOES I-X, and ROE CORPORATIONS I-X.,

*Defendants.*

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**DECLARATION OF KIRSTEN PARKIN**

Kirsten Parkin declares as follows:

1. I am over 21 years of age, have personal knowledge of the matters described in this Declaration, and could competently testify to such facts if called as a witness in this matter. I make this Declaration in support of the Defendants' motion to compel arbitration.

2. I am a commercial escrow officer for First American Title Insurance Company ("First American") and I have worked at First American for over 26 years. Prior to my current position as a commercial escrow officer, I was an escrow assistant for First American. I base this Declaration on my review of the business records described below, which were prepared and maintained in the ordinary course of First American's business and my personal knowledge of their document systems as set forth in more detail below.

3. I am familiar with the records First American keeps in the course of providing escrow services for the real estate transactions complained about by Plaintiffs.

**Endorsements of Owner's Policy of Title Insurance**

4. The documents attached to this Declaration as **Exhibits A-J** are true and correct copies of certain records that First American maintains in the escrow files for the Plaintiffs' real estate transactions at issue in this dispute.

5. A true and correct copy of the owner's policy of title insurance (the "Policy") for the property located at 13315 Illinois Street, Carmel Indiana (the "Carmel Property"), dated July 3, 2018, is attached as **Exhibit A**.

6. The Policy was amended to add each Plaintiff as an Insured through a series of endorsements, which are attached hereto as **Exhibits B-J**.

7. Each endorsement provided that each Plaintiff would be an "Insured" under the Policy in an Amount of Insurance equal to their proportionate share of ownership interest as set forth in their respective PSAs.

8. As reflected in **Appendix 1 (Percentage Chart)**, each Plaintiff's Amount of Insurance is less than \$2,000,000.

9. The following paragraphs relate to specific Plaintiffs' transactional documents.

10. A true and correct copy of the endorsement issued to Rosa DiTucci dated March 29, 2019 is attached as **Exhibit B**.

11. A true and correct copy of the endorsement issued to Steven R. LaRoza and Debra A. LaRoza dated April 17, 2019 is attached as **Exhibit C**.

12. A true and correct copy of the endorsement issued to Bruce I. Rose and Maureen M. Rose dated August 31, 2018 is attached as **Exhibit D**.

13. A true and correct copy of the endorsement issued to the Russell EW. Hertrich Revocable Trust dated February 15, 2019 is attached as **Exhibit E**.

14. A true and correct copy of the endorsement issued to the Sanford Roberts Revocable Trust and Helaine B. Roberts Revocable Trust dated August 27, 2018 is attached as **Exhibit F**.

15. A true and correct copy of the endorsement issued to the Fred Jacob Living Trust dated August 31, 2018 is attached as **Exhibit G**.

16. A true and correct copy of the endorsement issued to the Edward A. Hennessey 2001 Revocable Trust dated August 27, 2018 is attached as **Exhibit H**.

17. A true and correct copy of the endorsement issued to CAMAC, Inc. dated August 27, 2018 is attached as **Exhibit I**.

18. A true and correct copy of the endorsement issued to Blush Property, LLC dated August 27, 2018 is attached as **Exhibit J**.

#### **The Purchase and Sale Agreements**

19. The documents attached to this Declaration as **Exhibits K-S** are true and correct copies of each of the following Plaintiff's Purchase and Sale Agreement ("PSA") that were

provided by Rockwell Indianapolis LLC (“Rockwell Indianapolis”) in my role as an escrow officer for the real estate transactions at issue in this dispute.

20. The Plaintiffs purchased their respective interests in the Carmel Property through the individual PSAs entered into with Rockwell Indianapolis.

21. The PSA for each Plaintiff stated that they would be added to the Policy through an endorsement for an amount equal to their proportionate share of ownership in the Carmel Property.

22. The following paragraphs relate to specific Plaintiffs' PSAs.

23. A true and correct copy of the PSA executed by Rosa DiTucci dated September 17, 2018 is attached as **Exhibit K**.

24. A true and correct copy of the PSA executed by Steven R. LaRoza and Debra A. LaRoza dated September 4, 2018 is attached as **Exhibit L**.

25. A true and correct copy of the PSA executed by Bruce I. Rose and Maureen M. Rose dated July 17, 2018 is attached as **Exhibit M**.

26. A true and correct copy of the PSA executed by the Russell EW. Hertrich Revocable Trust dated June 22, 2018 is attached as **Exhibit N**.

27. A true and correct copy of the PSA executed by the Sanford Roberts Revocable Trust and Helaine B. Roberts Revocable Trust dated July 13, 2018 is attached as **Exhibit O**.

28. A true and correct copy of the PSA executed by the Fred Jacob Living Trust dated July 13, 2018 is attached as **Exhibit P**.

29. A true and correct copy of the PSA executed by the Edward A. Hennessey 2001 Revocable Trust dated June 13, 2018 is attached as **Exhibit Q**.

30. A true and correct copy of the PSA executed by CAMAC, Inc. dated June 22, 2018 is attached as **Exhibit R**.

31. A true and correct copy of the PSA executed by Blush Property, LLC dated August 13, 2018 is attached as **Exhibit S**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

  
Kirsten Parkin

Executed this 17 day of August, 2020 at Salt Lake City, Utah